

### REMARKS

As a matter of review, Claims 9 - 15, 27 - 41, and 43 are withdrawn from consideration. Claims 21 - 22 stand cancelled without prejudice. Applicants have elected with traverse to prosecute the Claims of Group I (i.e.; Claims 1 - 8, 16 - 26, and 42). Page 5 of the Office Action indicates that Claims 8 and 26 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

As a matter of note, the Office Action indicates on page 2, that claim 38 is directed to the kit of non-elected Group II and has been withdrawn from consideration. The Office Action further indicates that the dependency from Claim 5 is believed to be a typographical error. Applicants agree that the dependency from Claim 5 is a typographical error and wish to thank the Examiner for pointing this out. Claims 1, 16, 20, and 24 have been amended to more particularly define Applicants' invention.

### 35 U.S.C. §102 Rejections

Claims 1 - 4, 6, 24, and 42 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 3,029,852 issued to Taylor (hereinafter "Taylor") for the reasons of record stated on pages 2 and 3 of the Office Action. Applicants respectfully traverse this rejection.

Taylor teaches a bag, container, or receptacle for holding articles comprising a generally rectangular sheet having a series of pockets of narrower width disposed lengthwise centrally thereof so that the sides of the sheet can be folded over the pockets and the ends of the device can be brought together to form a compact package for transportation or storage.

Claims 1 - 4, 6, 24, and 42 of the instance invention all require *inter alia* that the flexible wrap container include at least one strap and a first fastening device attached to the strap for securing the wrap container in a roll-like shape. Unlike Applicants' present invention, Taylor does not teach or suggest either expressly or inherently a flexible wrap container which includes at least one strap and a first fastening device attached to the strap for securing the wrap container in a roll-like shape. Furthermore, Taylor does not teach or suggest either expressly or inherently a wrap container used to hold fabric during laundering in a washing machine. Hence, Claims 1 - 4, 6, 24, and 42 are not anticipated by Taylor. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Claims 20 stands rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 4,662,517 issued to Wirth (hereinafter "Wirth") for the reasons of record stated on page 3 of the Office Action. Applicants traverse this rejection. Wirth teaches a rappel rope deployment bag having side margins wherein each side margin consists of a single elongated flexible strip member secured to the side margin wherein the strip members define attaching loops spaced along side margins. [See Wirth, column 3, lines 1 - 9 and Figures 2 and 3].

Wirth does not teach or suggest either inherently or expressly a fence comprising a plurality of loops attached to a flexible side panel wherein the loops on each fence are formed into a plurality of rows. Nor does Wirth teach or suggest either expressly or inherently a wrap container used to hold fabric during laundering in a washing machine. Hence, as Claim 20 is not anticipated by Wirth, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Claims 1 - 5, 24, and 42 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. 6,223,367 issued to French et al. (hereinafter "French") for the reasons of record stated on pages 3 and 4 of the Office Action.

Applicants respectfully traverse this rejection. French teaches a stadium blanket and a separate storage bag for the stadium blanket. Though they may be connected to one another, the storage bag and stadium blanket of French are two separate components. [See French, column 2, lines 31 - 65. Also see Figures 1 - 8].

Applicants invention is comprised of a flexible wrap container. French does not teach or suggest either expressly or inherently Applicants' flexible wrap container. Furthermore, Taylor does not teach or suggest either expressly or inherently a wrap container used to hold fabric during laundering in a washing machine. Hence, as Claims 1 - 5, 24, and 42 are not anticipated by French, Applicants respectfully request that this rejection be reconsidered and withdrawn.

### **35 U.S.C. §103 Rejections**

Claims 7 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taylor or French for the reasons of record stated at page 4 of the Office Action. The Office Action indicates that Taylor and French "*each disclose the claimed invention except for the flexible panel being constructed from a material selected from the group consisting of woven polyester, woven nylon, or a combination thereof.*" The Office Action further indicates that "*it would have been obvious to one of ordinary skill... to use material selected from the group consisting of woven polyester, woven nylon, or a combination thereof to construct the flexible panel of Taylor or French since it would be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.*"

Applicants respectfully traverse this rejection on the basis that a prima facie case of obviousness has not been met. "To meet a prima facie case of obviousness, three basis criteria must be met. First there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations." [MPEP 2143]

The Office Action points to no suggestion in Taylor or French to utilize the specific materials claimed by Applicants. Additionally, Applicants traverse this rejection on the basis that in order to support an obviousness rejection, "the initial burden is on the Examiner to provide some suggestion

of the desirability of doing what the inventor has done. Neither Taylor nor French provide this. Hence, as Claims 7 and 25 are unobvious in view of Taylor or French, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 16 - 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DE 2,547,588 issued to Geysel (hereinafter "Geysel") for the reasons of record stated at pages 4 and 5 of the Office Action.

Applicants respectfully traverse this rejection. Geysel relates to a laundry transport bag for "self-emptying" in a drum-type washing machine. [See Claim 1 and page 2 of Geysel]. Page 7 of the Office Action indicates that "*the Examiner finds no explicit statement in Geysel that a fastening device is neither provided nor desired on the strap*". As the Examiner indicates Geysel does not teach or suggest a fastening device. Furthermore, there is no suggestion or motivation in Geysel to do what Applicants have done. In fact, Geysel teaches away from the present invention as one of the requirements of Geysel is that the laundry transport bag self-open and empty in the washing machine. This is the opposite of the present invention wherein the flexible wrap container of the present invention holds the fabric during the laundering process. "If the proposed modification would render the prior art reference being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." [MPEP 2143.01] Adding the fastening device of the present invention to Geysel, would prevent Geysel from being self-opening in the laundry. Hence, the obviousness rejection of Claims 16 - 18 of the instant are unobvious over Geysel. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 16 - 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacCormack et al. (hereinafter "MacCormack") for the reasons of record stated at pages 7 - 8 of the Office Action. Applicants respectfully traverse this rejection. MacCormack does not teach or suggest a fastening device. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure." In order to support an obviousness rejection, "the initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done". [MPEP 2143.01] There is no such teaching in MacCormack. Hence, Claims 16 - 19 are unobvious in view of MacCormack. Applicants respectfully request that this rejection be reconsidered and withdrawn.

**SUMMARY**

This RCE is responsive to the final Office Action of April 20, 2004. All fees associated with this should be charged to Deposit Account No.: 16-2485. As the rejections have been overcome, Applicants respectfully request that the rejections be reconsidered and withdrawn and the Claims of this application allowed.

Respectfully submitted,  
FOR: CURRY ET AL.;

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